

**POWER OF ATTORNEY BY ASSIGNEE TO EXCLUSION OF INVENTOR  
UNDER 37 C.F.R. § 3.71 WITH REVOCATION OF PRIOR POWERS**

The undersigned ASSIGNEE of the entire interest in:

- ☐ U.S. Patent No. \_\_\_\_\_  
☒ U.S. application no. 09/614,375, filed on 07/12/2000

hereby appoints the following attorneys of Wilson Sonsini Goodrich & Rosati:

Attorney Name	Reg. No.	Attorney Name	Reg. No.
Paul Davis	29,294	John J. Bruckner	35,816
David J. Abraham	39,554	David J. Weitz	38,362
George A. Willman	41,378	U.P. Peter Eng	39,666
Jinntung Su	42,174	Barbara J. Courtney	42,442
Richard L. Gregory	42,607	Van Mahamedi	42,828
Stephen Warhola	43,237	Shirley Chen	44,608
John Gilmore	46,375	Shaliesh Mehra	44,934
		Jonathan T. Manson	44,934

and all Wilson Sonsini Goodrich & Rosati attorneys registered to practice before the United States Patent and Trademark Office, to prosecute this application and transact all business in the United States Patent and Trademark Office in connection therewith and hereby revokes all prior powers of attorney; said appointment to be to the exclusion of the inventors and the inventors' attorneys in accordance with the provisions of 37 C.F.R. § 3.71.

The following evidentiary documents establish a chain of title from the original owner to the Assignee:

*(complete one of the following)*

- ☒ a copy of an Assignment attached hereto, which Assignment has been (or is herewith) forwarded to the Patent and Trademark Office for recording; or
- ☐ the Assignment recorded on \_\_\_\_ at reel \_\_\_\_, frames \_\_\_\_ - \_\_\_\_.

Pursuant to 37 C.F.R. § 3.73(b) the undersigned Assignee hereby states that evidentiary documents have been reviewed and hereby certifies that, to the best of ASSIGNEE's knowledge and belief, title is in the identified ASSIGNEE.

Direct all correspondence and telephone calls to:

Name	Paul Davis				
Address	Wilson Sonsini Goodrich and Rosati				
Address	650 Page Mill Road				
City	Palo Alto	State	CA	Zip	94304
Country	USA	Telephone	(650) 493-9300	Fax	(650) 493-6811

ASSIGNEE: AGILITY COMMUNICATIONS, INC.

Name: 

Date: 8/31/01

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

## ASSIGNMENT OF APPLICATION

Docket Number 23444-710

Whereas, the undersigned:

- |                                            |                                       |                                        |
|--------------------------------------------|---------------------------------------|----------------------------------------|
| 1. MASON, Thomas Beck<br>Santa Barbara, CA | 2. FISH, Gregory<br>Santa Barbara, CA | 3. COLDREN, Larry<br>Santa Barbara, CA |
|--------------------------------------------|---------------------------------------|----------------------------------------|

hereinafter termed "Inventors", have invented certain new and useful improvements in

## TUNABLE LASER SOURCE WITH INTEGRATED OPTICAL AMPLIFIER

- ☒ for which an application for United States Patent was filed on 07/12/2000, Application No. 09/614,375  
☐ for which an application for a United States Patent was executed on \_\_\_\_\_, and

WHEREAS, Agility Communications, Inc., a corporation, having a place of business at 5385 Hollister Avenue, Suite 309, Santa Barbara, CA 93111, (hereinafter termed "Assignee"), is desirous of acquiring the entire right, title and interest in and to said application and the invention disclosed therein, and in and to all embodiments of the invention, heretofore conceived, made or discovered jointly or severally by said Inventors (all collectively hereinafter termed "said invention"), and in and to any and all patents, inventor's certificates and other forms of protection (hereinafter termed "patents") thereon granted in the United States and foreign countries.

NOW, THEREFORE, in consideration of good and valuable consideration acknowledged by said Inventors to have been received in full from said Assignee:

1. Said Inventors do hereby sell, assign, transfer and convey unto said Assignee the entire right, title and interest (a) in and to said application and said invention; (b) in and to all rights to apply for foreign patents on said invention pursuant to the International Convention for the Protection of Industrial Property or otherwise; (c) in and to any and all applications filed and any and all patents granted on said invention in the United States or any foreign country, including each and every application filed and each and every patent granted on any application which is a divisional, substitution, continuation, or continuation-in-part of any of said applications; and (d) in and to each and every reissue or extensions of any of said patents.

2. Said Inventors hereby jointly and severally covenant and agree to cooperate with said Assignee to enable said Assignee to enjoy to the fullest extent the right, title and interest herein conveyed in the United States and foreign countries. Such cooperation by said Inventors shall include prompt production of pertinent facts and documents, giving of testimony, execution of petitions, oaths, specifications, declarations or other papers, and other assistance all to the extent deemed necessary or desirable by said Assignee (a) for perfecting in said Assignee the right, title and interest herein conveyed; (b) for prosecuting any of said applications; (c) for filing and prosecuting substitute, divisional, continuing or additional applications covering said invention; (d) for filing and prosecuting applications for reissuance of any said patents; (e) for interference or other priority proceedings involving said invention; and (f) for legal proceedings involving said invention and any applications therefor and any patents granted thereon, including without limitation reissues and reexaminations, opposition proceedings, cancellation proceedings, priority contests, public use proceedings, infringement actions and court actions; provided, however, that the expense incurred by said Inventors in providing such cooperation shall be paid for by said Assignee.

3. The terms and covenants of this assignment shall inure to the benefit of said Assignee, its successors, assigns and other legal representatives, and shall be binding upon said Inventors, their respective heirs, legal representatives and assigns.

4. Said Inventors hereby jointly and severally warrant and represent that they have not entered and will not enter into any assignment, contract, or understanding in conflict herewith.

IN WITNESS WHEREOF, said Inventors have executed and delivered this instrument to said Assignee as of the dates written below:

Date: 8/24/00

  
Thomas Beck MASON

Date: 8/22/00

  
Gregory FISH

Date: 8/22/00

  
Larry COLDREN

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Mason

Serial No.: 09/614,375

Filed: 07/12/2000

For: Tunable Laser Source with Integrated Optical Amplifier

Group No.: Not assigned

Examiner: Not assigned

Commissioner for Patents  
Washington, D.C. 20231COMPLETION OF FILING REQUIREMENTS  
—NONPROVISIONAL APPLICATION

- I. This replies to the Notice to File Missing Parts of Application (PTO-1533) mailed 12/01/2000. A copy of the Notice to File Missing Parts of Application—Filing Date Granted (Form PTO-1533) is enclosed.

## DECLARATION OR OATH

- II. No declaration or oath was filed. Enclosed is the original declaration or oath for this application.

## POWER OF ATTORNEY

- III. Enclosed is an original Power of Attorney by Assignee to Exclusion of Inventor.

## SMALL ENTITY STATUS

- IV. Applicant claims small entity status. See 37 CFR 1.27.

## COMPLETION FEES

1. Filing Fee: Original patent application (37 C.F.R. 1.16(a))	\$355.00
2. Fee for Claims: Each claim in excess of 20 (37 C.F.R. 1.16(c))	\$495.00
3. Surcharge Fee: Late payment of filing fee (37 C.F.R. 1.16(e))	\$65.00
4. Assignment (See "ASSIGNMENT COVER SHEET")	<u>\$40.00</u>
Total completion fees	\$955.00

## REQUEST FOR CORRECTED FILING RECEIPT

- V. Attached is a copy of the official filing receipt for which issuance of a corrected filing receipt is respectfully requested. There are errors with respect to the following, which are incorrectly entered.

Error in	Correct data
1. Applicant name and/or addresses	- Thomas Beck Mason, Middletown, NJ; Gregory Fish, Santa Barbara, CA; Larry A. Coldren, Santa Barbara, CA
2. Priority Claim	- This application is a CIP of and claims the benefit of 60/152,072 9/2/1999; 60/152,049 9/2/1999 and 60/152,038 9/2/1999. This application is also a CIP of 09/614,377 7/12/2000; 09/614,895 7/12/2000; 09/614,665 7/12/2000; 09/614,376 7/12/2000; 09/614,674 7/12/2000; 09/614,195 7/12/2000; 09/614,378 7/12/2000; 09/614,224 7/12/2000
3. Entity status	- small entity

At least one of the above corrections is due to applicant's error and the fee under 37 C.F.R. 1.19(h), of \$25.00 applies.

## TOTAL FEE DUE

- VI. The total fee due is: Completion fees \$955.00 Corrected Filing Receipt Fees \$25.00

TOTAL FEE DUE \$980.00

## PAYMENT OF FEES

- VII. Charge Account No. 23-2415 (23444-710) in the amount of \$980.00.  
Please charge Account No. 23-2415 (23444-710) for any fees that may be due by this paper.

Wilson Sonsini Goodrich & Rosati  
650 Page Mill Road  
Palo Alto, CA 94304  
(650) 493-9300  
Customer No. 021971

Paul D. ...

## STATEMENT OF MAILING BY "EXPRESS MAIL"

"Express Mail" Mailing Label No. EL757448081USDate of Deposit Dec 19, 2000

I hereby certify that this paper or fee is being deposited with  
the United States Postal Service "Express Mail Post  
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indicated above. Witness my hand and the seal of the Assistant  
Commissioner for Patents, Washington, D.C. 20231

(Typed or Printed Name of Person Mailing Paper or Fee)

(Signature of Person Mailing Paper or Fee)